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**OFFICE OF PETITIONS**

KENYON & KENYON LLP  
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NEW YORK NY 10004

In re Application of :  
Nair et al. : DECISION ON PETITION TO  
Application Number: 10/016793 : WITHDRAW HOLDING OF  
Filing Date: 10/26/2001 : ABANDONMENT  
Attorney Docket Number: :  
2207/12116 : .

This is a decision on the petition filed on June 3, 2005, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

A Notice of Abandonment was mailed on May 16, 2005, stating that the application was abandoned for failure to response to the non-final Office action mailed on September 9, 2004.

Petitioners assert that a timely and proper response to the Office action was filed, with a three (3)-month extension of time.

A review of the record reveals that on September 9, 2004, a non-final Office action was mailed, setting a three (3)-month shortened statutory period for reply. On March 14, 2005 (certificate of mailing date March 9, 2005), an amendment in response to the Office action was filed, accompanied by payment of the fee for a three (3)-month extension of time. The extension of time fee has been charged to counsel's deposit account.

As such, the showing of record is that, in filing the papers including a certificate of mailing dated March 9, 2005, petitioner did file a timely and proper response to the Office action mailed on September 9, 2004.

Consequently, the showing of record is that a proper response was timely filed, and there is no abandonment in fact. Any inconvenience caused to applicant is regretted.

The holding of abandonment is **withdrawn**, and the Notice of Abandonment is **vacated**.

The application is being referred to Technology Center Art Unit 2838 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood  
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Office of Petitions